

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT TUNSTALL,

Petitioner,

No. CIV S-04-2658 DFL JFM P

vs.

TERESA A. SCHWARTZ, et al.,

Respondents.

ORDER

Petitioner has filed three motions for the appointment of counsel. There currently exists no absolute right to appointment of counsel in habeas proceedings. See Nevius v. Sumner, 105 F.3d 453, 460 (9th Cir. 1996). However, 18 U.S.C. § 3006A authorizes the appointment of counsel at any stage of the case “if the interests of justice so require.” See Rule 8(c), Fed. R. Governing § 2254 Cases. In the present case, the court does not find that the interests of justice would be served by the appointment of counsel at the present time.

Accordingly, IT IS HEREBY ORDERED that petitioner’s November 29, 2006, December 7, 2006 and December 21, 2006 requests for appointment of counsel are denied without prejudice.

DATED: January 9, 2007.


UNITED STATES MAGISTRATE JUDGE